Private

App F IX-4

192 .

File No. 187-28

Previous References

Misc 285-27-15

Serial Nos. 1 2

Later References

Misc Exp 74 31

General and Revenue Secretariat.

Serial Nos. 2

Part B for November 1928

SUBJECT

Review application from Sadhuranga Thimmiah of Muddenahalli re entitle to touch and decorate the Mala Vigraha of Sri Prasanna Venkatesa Swami

Rc. 1004 dated 26.11.28

To the Petitioner

No grounds to reconsider the order.

(1

G. R. S. III—3]

Mur File 187-28

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 722
mur 187-28-1

Review-application from Samanaya Thimmiah of Muddanahatti, channagiri Taluk, praying for a re-consideration of G.O. No. 336 dt 14-8-1928 directing that the applt-Samanayas are not entitled to touch and decorate the mula Vigraha of Sri Anjaneya Swamy temple at the place.—

G

The petition is duly stamped

G

The G.O. sought to be reviewed was passed after giving full opportunity to both the contending parties and their advocates to represent their case on

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

Serial No.

2 There are no fresh grounds for a re-consideration of the previous order - may the petr. be informed accordingly?
Submitted.

FR
16. 11. 28.

3 The statement made in para 1 of the writer petition is somewhat astonishing, in the face of the minute of the Member that "one of the present appellants, namely Ramnarayya was one of the 2 Samarayas who signed the Navtahi Karar and he admits that he was a party to the proceedings of the Dalichagirdas and that he was one of the disputants to the Navtahi Karar based upon them".

4 The petitioner may perhaps be informed that there are no grounds for a reconsideration of the order already passed.

18/11

I quite remember he admitted this. In fact Mr Lakshmana Crowda who argued the case on two days stated on my pointing out the fact that one of his clients was a signatory of the Navtahi Karar that his client has no case. Mr L Crowda asked his client in my presence if he had signed the Karar and when he said 'yes' he observed that this fact had been withheld from me by his client.

FILED IN THE SECRETARIAT
17 NOV 1928
No 3018

17/11

Yes

18/11/28

18/11

WD 021—GPB—30,000—21-8 28

72

App. F III—2]

General and Revenue Secretariat. File No. 187 of 1928-29

Serial No.	
	b WD. ends submitted. H 22 11-28. Mr Murphy 7 Dom WD 27/11
2	Ft. Endt No. 1004 Dt. 26.11.28 to the effect that there are no grounds for reconsidering the question vide No 1005 Dt 26.11.28 Dy to me.

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

HT A NAS 27-

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE, BANGALORE.

Muz. Mis. Petn. No. of 28-29.

Petitioner.	Vs.	Opponents.
N. Thimmiah, Son of Bheema Rao, residing at Muddana Halli, Chennagiri Taluk Shimoga District.		Archak Hanumanthachar, Madhva Brahmin, residing at Chennagiri, Shimoga District.

****

The petitioner above-named most humbly begs to file this petition praying for a review of the order passed by the Government in Muzrai Appeal No.19 of 27-28, on the following among other grounds:-

1. Thimmayya the petitioner was not a party to the proceedings of the Panchayetdars, nor was he a signatory to the Nowkari Karar said to have been executed by some Sameraya, nor has he admitted he was a party to the proceedings. There is neither oral nor documentary evidence to bear this out. This is a clear mistake which is apparent on the face of the order made by the Government. The records show that it was not the petitioner but Hanumantia and Krishnappa who were parties to the proceedings of the Panchayat and the Nowkari Karar. These fact was not within the petitioner's knowledge, but came to his knowledge recently.

2. The order deprives the petitioner of

P.T.O.

of a right enjoyed by himself and his ancestors for well nigh ~~right~~ three generations for no fault of his but for something which others did. The petitioner submits that this is not permitted by law.

3. The distinction between Mula Vigraha and Utsava Vigraha in regard to the rights of the petitioner is a later introduction not authorised by the Inam Settlement which is silent on the point and is inconsistent with the express terms of the Inam Settlement Deed which do not circumscribe the services to be rendered by the petitioner and limit the same to be ~~Mula~~ Utsava Vigraha. No Panchayetdars or their decision can restrict the meaning of the express terms of the Inam Settlement Deed.

4. Furthermore, the decision of the Panchayetdars and the Nowkari Karar have not been given effect to. On the other hand they have been set aside - in effect - by the Government by restoring the land to the Samerayas.

5. The attention of the Government was not dranw to the want of evidence of" Samprokshane" at any time. The evidence of the solitary instance of Samprokshane shows - vide Patel's report - that the Samprokshane was not - because the Samerayas touched the but for some other reasons with which the

6

the Samerayas had nothing whatever to do.

6. Overwhelming evidence is available and this came to the petitioner's knowledge subsequent to the decision by Government to establish the nature of the services required of the Samerayas in connection with the temple. The petitioner was a Government servant till very recently and he had no reason to know that such evidence would be forth-coming. The petitioner submits that it is absolutely necessary in the interests of bare justice, to send back the records to the Amildar with a direction to record evidence on the point, and a fresh decision given.

On the above and other grounds, the petitioner prays that the Government may be graciously pleased to review its order on Appeal No.19 of 27-28, remand the case to the Lower authorities for the evidence to be taken, which the petitioner is willing and prepared to produce or if it should please the Government examine witnesses here alone without a remand and give a fresh decision setting aside the findings of the Sub Division Officer, the Deputy Commissioner and the Muzrai Commissioner and establish the now clouded rights of the petitioner on a clear and firm footing.

Bangalore,
D/10-11-28.

R. Ramanna
Advocate for Petitioner.

Before the Government of His Highness the

Maharaja of Mysore.

Muz. Appeal No. 19 of 1927-28.

Appellants		Respondent.
Hanumantiah and Thimmiah, Samerayas.	VS.	Archak Hanumantachar.

SUBJECT.

Appeal against the Muzrai Commissioner's order confirming the Shimoga Deputy Commissioner's finding that the appellants are not entitled to touch and decorate the Mula Vigraha of Sri Anjaneya Swami temple at Muddanahalli, Channagiri Taluk.

DECISION.

The case was heard on 4th and 5th August 1928.

The appellants were present and represented by Mr. Lakshmana Gowda. The respondent was not present but Mr. Jayathirthachar was present on his behalf.

The point for decision in this case is what the services to be performed by the Samerayas in the Mula Devaru Temple of Sri Anjaneyaswami at Muddenahalli in the Channagiri Taluk are. This is a matter to be settled with reference to mamool and a clear understanding on this subject was come to in 1900. In that year a Committee of Panchayatdars defined the duties of the Samerayas as well as of the Brahmin Archaks of the temple and the distribution of duties between these two classes of temple servants is given in their proceedings. In pursuance of these proceedings, the Samerayas executed a Nowkari-karar in the same year. One of the present appellants, namely Thimmayya, was one of the two Samerayas who signed this Nowkari-karar and he admits that he was a party to the Proceedings of the Panchayatdars and that he was one of the signatories to the Nowkari-karar based upon them. There are no good grounds to alter the settlement reached with the consent of the appellants so far back as 1900. In view of this consideration as also of the concurrent findings of the Sub Division Officer, the Deputy

before the Government of His Highness the

Maharaja of Mysore.

MUZ. Appeal No. 19 of 1927-28.

Appellants

Ramaswamiah and Thimmiah,
Gamekayas.

vs.

Respondent.

Thomas H. Morris, ...

Appeal against the Mysore Domiciled Non-... Act.

Shimoga Deputy Commissioner's finding that ... Vaishnavite ... not entitled to touch and decorate the Uma Vi... of ... Swami temple at Muddanahalli, Channagiri Taluk.

DECISION.

The case was heard on 4th and 5th August 1927.

The appellants were present and represented ... Gowda. The respondent was not present but ... sent on his behalf.

... passed by the Sanctioned in the Mysore Devasthanam ... at Muddenahalli in the Channagiri Taluk and ... settled with reference to mamool and ... of the temple and the distribution of ... tained the duties of the Gamekayas and as well as ... object was done to in 1900. In that year ... of temple security to ... Pracheduru, the ... one of the present ... to the Proceedings of the ... Gamekayas to ... good grounds to alter the settlement ... signatories to the Nonmaria-Shetty ... subpellants so far back as 1900. In view of ... of the concurrent findings on the ...

Commissioner and the Muzrai Commissioner, there are no reasons to interfere with the orders passed by these authorities. The appeal is therefore rejected.

Memo No. 336 Mus 285-27-5 Bangalore, dated the 14th August 1928

Copy of the above is forwarded, with compliments, to the Muzrai Commissioner in Mysore, with ~~xxxxxxxxxxxx~~ records received with his letter No.1351, dated 1st June 1928.

By Order,

Sd/- B.Srinivasa Iyengar,

Secretary to Government,
Financial Department.

Memo No. 337/Mus Enc one file Bangalore, dated 14th August 1928.

Copy to Mr. C. Lakshmana Gowda, Advocate, for appellants

By Order,

For Secretary to Government,
Financial Department.

Commissioner and the Mysore Commissioner, there is no ground to interfere with the orders passed by those authorities. The appeal is therefore rejected.

Memo No. 385-391 Bangalore, dated the 14th [illegible]

Copy of the above [illegible] Mysore, with reference to [illegible] received with his letter No.13C1, dated [illegible] June 1928.

[illegible]

Sd/- [illegible]

By Order,

[illegible]

Memo No. 385-391 Bangalore, dated the 14th [illegible] 1928.

Copy to Mr. D. [illegible] Govt., [illegible], for [illegible]

By Order,

[illegible]

TWO RUPEES ರೂ-೨

Before the Government of His Highness Maharaja Mysore

ಮೈಸೂರು ಕೋರ್ಟ್‌ಗೆ.

Munsif's Court Suit No. of 192 -192

ವಾದಿ

Obalesha Dhuminagegs

Vs.

ಪ್ರತಿವಾದಿ ಅರ್ಜಿ

Hochak Hanumanta Chetty

ಮು|| ರಾ|| ಡಿ. ವಿ. ರಂಗಸ್ವಾಮಿ ಐಯ್ಯಂಗಾರ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., ಮತ್ತು K. Shamanna BA Bills Advocate ಮತ್ತು S. Rajagopalachar BA BL ಚೀಫ್ ಕೋರ್ಟ್ ಅಡ್ವೊಕೇಟ್ ರವರಿಗೆ.

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮಾ.

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನಮ್ಮ ಪರವಾಗಿ ಆಜ್ಞೆಯುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ, ನಮ್ಮ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರೀಕ್ರಮ ನಡೆಸಿ,ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನಮಗೆ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ತಿಲ್ಕು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯ ಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದೇವೆ

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಾನು ಮಾಡಬೇಕಾದ ಕೆಲಸಗಳನ್ನು ಸಕಾಲದಲ್ಲಿ ಮಾಡದೆಹೋದಲ್ಲಿಯಾಗಲಿ ತಮಗೆ ಕೊಡಬೇಕಾದ ಫೀಜನ್ನು ಬಾಕಿ ಉಳಿಸಿಕ್ಕೊಂಡಲ್ಲಿಯಾಗಲಿ ತಾವು ಮೊಕದ್ದ ನೆಯಿಂದ ರಿಟ್ಟೈರಾಗಲು ಸ್ವಾರ್ಥಾಧಿ ಕಾರವನ್ನು ಕೊಟ್ಟಿರುತ್ತೇನೆ

ಈ ಆಧಾರದ ಮೇಲೆ ತಾವಾಗಲಿ ಮತ್ತು ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೊ ಮೊಕದ್ದ ನೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನು ಖಂಡ್ರಿ ಮುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ದ ಗಿಧೇ

ತಾರೀಖು 192 .

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಅಂಗೀಕರಿಸಿದೇವೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು ನನ್ನ ಸಮಕ್ಷ ಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ. ಮತ್ತು ನನಗೆ ತಿಳಿದವರಾಗಿರುತ್ತಾರೆ.

K. Shamanna adv about 9.11.20

CT.....

.....

.....

Diary No. of letter replied to.....

Section Mem.

File No. 187-28

Serial No. 2

No. ....

General and Revenue Secretariat

( )

the *192*

To

.....

Date of issue.....

Signed by.....

Endorsement granted to R. Muniriah of Kuddaukatti, Channagiri Taluka, (thro', Mr. K. Shamanna, B.A.B.L.) with ref to his petition no. 722/ praying for a re consideration of G.O. no. 336 dy 14-8-1928 directing that the peta (Sameraja) ~~is~~ not entitled to touch and decorate the Kula Vigraha of Sri Anjaneya Swamy in the

over at the Sta

List of enclosures.....

Copied by .....

Examined by .....

WD0325—GPB—80,000—26 5-27

that there are no
grounds for a re-
consideration of the order
already passed - His revision.
application is accordingly
rejected.

B. O.

27/11

(In Civil Secty.

Copy to me in 1005 26/11/28

Contn of S.O. 14.8 28.

B. O.

27/11

Dist/ Civil Secty.

MM
27/11/28

11 pages